IN THE UNITED STATES DISTRICT COURT DISTRICT OF NEBRASKA

FEDERAL DEPOSIT)	Case No. 8:13-CV-168
INSURANCE CORPORATION,))
As Receiver for TierOne Bank,	
Plaintiff.)	
v.)	
RICK D. LANGE, as Chapter 7 Trustee	
of the Bankruptcy Estate of TierOne	
Corporation,	
Intervenor,	
v.)	
GILBERT G. LUNDTROM;	
DAVID L. HARTMAN; JAMES	
A. LAPHEN; RANDALL B. KIDD;	
DELMAR E. WILLIAMS; CHARLES)	
R. HOSKINS; CAMPBELL R.	
MCCONNELL; and ANN L. SPENCE,	
Defendants.))

FIFTH STIPULATION TO EXTEND FDIC-R'S RESPONSE TO THE OUTSIDE DIRECTORS' MOTION TO DISMISS

Defendant Delmar E. Williams ("Williams") and Plaintiff FDIC-R hereby stipulate to extend the time for the FDIC-R to respond to Williams' Motion to Dismiss an additional twenty-on (21) days or until December 5, 2013.

On August 12, 2013, Williams filed his Motion to Dismiss. As per previous stipulations to extend the FDIC'S response, the due date for response is presently November 14, 2013. The FDIC-R and Mr. Williams continue to engage in active, ongoing negotiations of a potential settlement of the claims in this case, and are now circulating a settlement agreement, that would obviate the need for any further briefing on the Williams' Motion to Dismiss.

In the interest of judicial economy, Williams and the FDIC-R hereby respectfully request that this Court grant the Williams and FDIC-R's stipulation to extend the time for the FDIC-R to respond to Williams' Motion to Dismiss an additional twenty-one (21) days to include December 5, 2013.

DATED this 14th day of November, 2013.

FEDERAL DEPOSIT INSURANCE CORPORATION, as Receiver for TierOne Bank, Plaintiff

By: /s Mark F. Enenbach

Mark F. Enenbach, #15202 James J. Frost, #16560 James J. Niemeier, #18838 McGRATH, NORTH, MULLIN & KRATZ, PC LLO First National Tower, Suite 3700 1601 Dodge Street Omaha, NE 68102 (402) 341-3070 (402) 341-0216 (facsimile)

David Mullin, #14651600 Robert R. Bell, #0787062 Richard Biggs, #24064899 MULLIN, HOARD LAW FIRM 500 South Taylor, Suite 800 Amarillo, TX 79120 (806) 372-5050 (806) 372-5086 (facsimile)

Attorneys for Plaintiff

Delmar E. Williams, Defendant

By: /s Victor E. Covalt, III

Victor E. Covalt, III #16539 Ballew Covalt Hazen PC LLO 1045 Lincoln Mall, Suite 200 Lincoln, NE 68508 (402) 436-3030 (402) 436-3031 (facsimile) vcovalt@ballewcovalt.com

Attorneys for Said Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 14th day of November 2013, I electronically filed the foregoing Stipulation with the Clerk of the Court by using the CM/ECF system which sent notification of such filing to all CM/ECF participants.

/s Mark F. Enenbach